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AUTOQUIP CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COLEMAN ELLIOTT,

Plaintiff,

vs.

AUTOQUIP CORPORATION and DOES
1-25

Defendants.

CASE NO. 2:23-cv-02355-JAM-CKD

**ORDER REGARDING DISCOVERY
DISPUTE PERTAINING TO LENGTH
OF TIME AND SCOPE OF PHYSICAL
EXAMINATION**

Complaint filed September 5, 2023

Removed from Superior Court of San
Joaquin County, STK-CV-UPL-2023-
0009514


Plaintiff Coleman Elliott and Defendant Autoquip Corporation (the “Parties”) filed on February 20, 2025 a re-notice of motion (“Motion”) for hearing date, along with the Parties’ accompanying Joint Statement Regarding Discovery Dispute (hereinafter, “Joint Statement”). The Motion and Joint Statement relate to the length of time and scope of the physical examination scheduled to take place on February 27, 2025 at 1 p.m. pursuant to Federal Rules of Civil Procedure 35. The parties requested that the Court rule on the papers and without a hearing. Discovery closes February 28, 2025.

The court has reviewed the parties’ Joint Statement and the relevant law. See Narayan v. Compass Group USA, Inc., No. 2:17-cv-00999-MCE-CKD, 2019 WL 265109, *5 (noting that permissible Rule 35 examination was not “overly invasive”).

- 1 1. The amended request regarding discovery dispute (ECF No. 22) is GRANTED;
- 2 2. The length of Dr. Rubenstein's Independent Medical Examination ("IME") shall be
- 3 no longer than four hours. Further, the scope of the examination shall be limited to
- 4 exclude examination of the following specific body parts: genital, anal, or rectal
- 5 areas.

6 IT IS SO ORDERED.

7
8 Dated: February 24, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE